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IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MICHAEL IZELL SEALS,)	NO. C-04-3764 NJV
)	
Plaintiffs,)	STIPULATION AND PROTECTIVE
)	ORDER
vs.)	
)	
OFFICER RODNEY K. MITCHELL, et al.,)	
)	
Defendants.)	
)	
)	

It is hereby stipulated by and between all the parties to this action by and through their respective attorneys of record, that in order to protect the confidentiality of the records described below, any of said records disclosed are subject to a protective order (and designated as “Confidential Material”) as follows:

- The following records are designated as “Confidential Material”:

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- a. employment, training, performance and personnel records of Deputy John Rynhart and of Deputy Lyle Thomas ordered by the Court, following *in camera* review, to be produced in this action;
- b. internal and external investigations, inquiry or commentary regarding the February 5, 2003 arrest of Plaintiff and all events relating to this arrest ordered by the Court, following *in camera* review, to be produced in this action;
- c. Lake County Sheriff's Department standards, policies and procedures; and
- d. all documents relating to Michael Izell Seals' arrest, booking, housing, grievances, or any other matter relating to Mr. Seals' confinement at the Lake County Jail.

2. Confidential materials shall be used solely in connection with this litigation and the preparation of trial in this case, or any related appellate proceedings, and not for any other purpose, including any other litigation.

3. Confidential material may not be disclosed except as set forth in paragraphs 4 and 5.

4. Confidential Material may be disclosed only to the following persons:

- a. Counsel for any party to this action.
- b. Paralegal, stenographic, clerical and secretarial personnel regularly employed by counsel referred to in 4(a);
- c. Court personnel including stenographic reporters engaged in such proceedings as are necessarily incidental to preparation for the trial of this action;
- d. Any outside expert or consultant retained in connection with this action, and not otherwise employed by either party;
- e. Any "in house" expert designated by Defendants to testify at trial in this matter;
- f. Persons shown on the face of the document to have authored or received it;
- g. Any Neutral Evaluator or other designated ADR provider;
- h. Such other persons as the parties may mutually agree; and
- i. Witnesses who may have the document disclosed to them during deposition

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proceedings; the witness may not leave the deposition with copies of the documents, and shall be bound by the provisions of paragraph 5.

Nothing in this paragraph 4 is intended to prevent officials or employees of the County of Lake, or other authorized government officials from having access to the documents if they would have had access in the normal course of their job duties. Further, nothing in this order prevents a witness from disclosing event or activities personal to them, i.e., a witness can disclose to others previous information given to the County of Lake with respect to what she/he saw, heard, or otherwise sensed.

5. Each person to whom disclosure is made, with the exception of counsel who are presumed to know of the contents of this protective order, shall, prior to disclosure: (1) be provided with a copy of this order by the person furnishing him/her such material, and (2) agree on the record or in writing that she/he has read the protective order and that she/he understands the provisions of the protective order. Such person must also consent to be subject to the jurisdiction of the United States District Court, Northern District, with respect to any proceeding relating to the enforcement of this order. Defendant County of Lake shall be entitled to retain possession of the original writings described above.

6. At the conclusion of the trial and of any appeal or upon other termination of this litigation, all Confidential Material received under the provisions of this order (including any copies made) shall be delivered back to the County of Lake. Provisions of this order insofar as they restrict disclosure and use of the material shall be in effect until all Confidential Material (including all copies thereof) are returned to Defendants.

7. Any document filed with the Court that reveals Confidential Material shall be filed under seal, labeled with a cover sheet as follows: "Michael Seals v. John Rynhart, et al., United States District Court, Northern District, Case No. C-04-3764 NJV. This document is subject to a protective order issued by the Court and may not be copied or examined except in compliance with that order." Documents so labeled shall be kept by the Clerk under seal and shall be made available only to the Court or counsel. Upon failure of the party to so file a document under seal, the producing party may request that the Court place the filing under seal.

1 8. Nothing in this order shall preclude a party from showing or disclosing any
2 documents, e.g., deposition transcripts, pleadings or briefs, which otherwise contain Confidential
3 Material as defined in paragraph 1, as long as such document has been redacted so as to prevent
4 disclosure of such Confidential Material.

5 9. The foregoing is without prejudice to the right of any party (a) to apply to the Court
6 for a further protective order relating to any other Confidential Material or relating to discovery in
7 this litigation; (b) to apply to the Court for an order removing the Confidential Material designation
8 from any document; and (c) to apply to the Court for an order compelling production of documents
9 or modification of this order or for any order permitting designation of addition materials as
10 “Confidential Materials” or disclosure of Confidential Materials beyond the terms of this order.

11 Dated: October 8, 2010

12 LATHAM & WATKINS LLP

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14 By: /s/ Meghna Subramanian
MEGHNA SUBRAMANIAN
Attorneys for Plaintiff

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16
17 Dated: October 8, 2010

JONES & DYER

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19 By: /s Mark A. Jones
MARK A. JONES
Attorneys for Defendants John Rynhart and Lyle
20 Thomas
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ORDER

The Court having considered the foregoing stipulation of the parties, and good cause appearing, the Court hereby orders that the above-described records relating to this matter, as more specifically described in Paragraph 1 of the Stipulation, be subject to a protective order fully incorporating the provisions set forth above. ^ Any party that seeks to file under seal any Confidential Material must comply with Civil Local Rule 79-5. Pursuant to stipulation, IT IS SO ORDERED.

Dated: October 12, 2010

